In re Patent Application of:
ROY
Serial No. **10/777,871**
Filing Date: **February 12, 2004**

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REMARKS

The Examiner is thanked for the thorough examination of the present application. The Examiner is also thanked for the courtesies extending during the telephonic interview of April 1, 2009, during which the current claim rejections were discussed. The Examiner is also thanked for the phone conference of April 16, 2009 during which the Examiner indicated the statutory subject matter rejection of Claims 18, 19, and 21-23 has been withdrawn. Independent Claims 1, 12, 18, 24, and 29 have been amended to address a minor informality. Independent Claims 1, 12, 24, and 29 have also been amended to address the Examiner's rejection for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. Independent Claim 18 has been amended similar to independent Claims 1, 12, 24, and 29 for consistency. The patentability of the claims is discussed below.

I. The Claimed Invention

The present invention, as recited in amended independent Claim 1, for example, is directed to a communications system including a plurality of mobile wireless communications devices. Each of the plurality of mobile wireless communications devices includes a respective software client using at least one of a plurality of different operating protocols as configuration commands and instructions for accessing electronic mail (email) to send at least one access request. The communications system also includes a plurality of email data storage devices for

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storing email data files. Each email data file is associated
with a respective mobile wireless communications device, and each
email data file has a unique identification (UID) associated
therewith. Each email data storage device also uses at least one
of the plurality of different operating protocols.

The communications system also includes a protocol
interface device including a protocol converter module for
communicating with the respective software client of each of the
plurality of mobile wireless communications devices using
respective operating protocols thereof. The protocol interface
device also includes a protocol engine module for communicating
with the plurality of email data storage devices using respective
operating protocols thereof.

The protocol engine module is also for initiating
polling of the email data storage devices for UIDs of email data
files stored thereon to maintain a UID list, and for cooperating
with the protocol converter module to provide the UID list to the
respective software client of each of the plurality of mobile
wireless communications devices upon receiving access requests
therefrom. The protocol engine module also initiates polling for
a given one of the plurality of mobile wireless communications
devices without initiated configuration commands and instructions
from the software client thereof, and irrespective of
communications with the given mobile wireless communication
device.

Amended independent Claims 12 and 18 are directed to
related protocol interface devices. Moreover, amended

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independent Claim 24 is directed to a related method, and amended independent Claim 29 is directed to a related computer-readable medium. Independent Claims 12, 28, 24, and 29 have been amended similar to amended independent Claim 1.

II. The Claims Are Patentable

A. Claims 18, 19, and 21-23 Are Directed To Statutory Subject Matter

The Examiner rejected Claims 18, 19, and 21-23 as being directed to non-statutory subject matter. More particularly, the Examiner contended the preamble of independent Claim 18 is non-limiting. As noted above, during the phone conference of April 16, 2009, the Examiner indicated that the hardware recited in the preamble was sufficient for Claims 18, 19, and 21-23 to be directed to statutory subject matter. Accordingly, Claims 18, 19, and 21-23 are directed to patentable subject matter.

B. Claims 1-33 Comply With The Written Description Requirement

The Examiner rejected Claims 1-33 as failing to comply with the written description requirement. More particularly, the Examiner contended that the claim recitation of the protocol engine module also initiating polling without mobile wireless communications device initiated configuration commands and instructions from the software clients irrespective of communications with a mobile wireless communications device is not supported by the Specification. The Examiner contends that Applicant's Specification, paragraphs 0123 and 0130, somehow

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"explicitly state[s] otherwise." Paragraphs 0123 and 0130 of Applicant's Specification is reproduced below for reference.

Paragraph 0123 describes, in an example embodiment, how polling is performed with regard to a polling interval. As described in paragraph 0123 and understood by a person having ordinary skill in the art, the polling may be initiated without mobile wireless communications device initiated configuration commands and instructions from the software clients irrespective of communications with a mobile wireless communications device, yet be performed in accordance with a polling interval.

> **[0123]** In response to a poll from the protocol engine module **32'''**, a given data system **24'''**, **26'''** returns data items, or at least data item identifiers that can be used to retrieve the data items, to the protocol interface device **14'''**. These data items or identifiers are then stored by the protocol engine module **32'''** in the data store or memory **92'''**.

> **[0130]** It will be appreciated that the preceding description relates to "view items" or similar data access requests. Other types of data access requests may be processed by other components or modules of the protocol interface device **14'''**. For example, such data access requests are translated, if necessary, by the front-end proxy module **30'''**, as described above.

Moreover, paragraph 0130 is describing, in an example embodiment, the <u>further polling</u>. As described in paragraph 0130,

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the further polling is performed during a data access request to
determine whether the stored UID list is still accurate. The
claims do not recite that the <u>further polling</u> is performed
without mobile wireless communications device initiated
configuration commands and instructions from the software clients
irrespective of communications with a mobile wireless
communications device.

Still further, Applicant directs the Examiner to
Applicant's Specification, paragraph 0051, which has been
reproduced below for ease of reference:

> **[0051]** It should be noted that <u>the software
> clients need not initiate data access
> requests in all embodiments</u>. For example, in
> some embodiments the protocol interface
> device **14** may include (or communicate with) a
> polling or aggregation engine module (not
> shown) that prompts the protocol engine
> module **32** to aggregate messages for
> respective users from the mail systems **24,
> 26, 28** at predetermined intervals, as will be
> appreciated by those skilled in the art. The
> protocol engine module **14** would then
> cooperate with the front-end proxy module **30**
> to provide the aggregated messages to the
> respective software clients, as described
> above. Additionally, the front-end proxy
> module **30** need not communicate directly with
> the communications devices **11, 12** in all
> embodiments, but it may instead communicate
> therewith via an intervening mail system or
> server, for example. Thus, in the case where
> an aggregation engine module is used, the
> aggregated messages may be first transferred
> by the front-end proxy module **30** to an

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> intervening mail server, which in turn
> provides the messages to the appropriate
> communications device, as will also be
> appreciated by those skilled in the art. Here
> again, the front-end proxy module **30** would
> use the appropriate protocol(s) supported by
> such intervening mail server for
> communicating therewith. (Emphasis Added)

Indeed, paragraph 0051 describes, in an example embodiment, that the software client need not initiate data requests. The claim recitation of the protocol engine module also initiating polling without mobile wireless communications device initiated configuration commands and instructions from the software clients irrespective of communications with a mobile wireless communications device is described in the Applicant's Specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention, as recited in Claims 1-33. Accordingly, the Examiner's rejection for failing to comply with the written description requirement should therefore be withdrawn.

C. Claims 1, 12, 24, and 29 Particularly Point Out and Distinctly Claim The Subject Matter

The Examiner rejected independent Claims 1, 12, 24, and 29 as failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. More particularly, the Examiner contended that there is insufficient antecedent basis for the recitation of "a mobile

wireless communications device," as recited in independent Claim 1, for example. The Examiner contended that a person having ordinary skill in the art would be confused as to whether the recitation is in reference to the same mobile wireless communications device or a second wireless communications device.

Independent Claims 1, 12, 24, and 29 have been amended to recite the protocol engine module also initiates polling for a given one of the plurality of mobile wireless communications devices without initiated configuration commands and instructions from the software client thereof, and irrespective of communications with the given mobile wireless communications device. Accordingly, Applicant submits that amended independent Claims 1, 12, 24, and 29 particularly point out and distinctly claim the subject matter which the Applicant regards as his invention.

D. Independent Claims 1, 12, 18, 24, and 29 Are Patentable Over Hoglund et al.

The Examiner rejected the independent claims over Hoglund et al. Hoglund et al. is directed to a communications system for transmitting signals from a first communication device to a second communication device at a user specified real time and/or a polled transmission. More particularly, Hoglund et al. discloses a wireless messaging service that allows users to transmit and/or receive email and other messages on a real-time basis via an email account associated with the wireless

communications device.   Users can also check email messages
stored within a separate POP or IMAP email account.

The Examiner generally contended that Hoglund et al.
discloses the protocol engine module being for cooperating with
the protocol converter module to provide the UID list to the
respective software client of each of the plurality of mobile
wireless communications devices upon receiving access requests
therefrom.   The Examiner points to no specific support in Hoglund
et al. for this contention.

Applicant submits that Hoglund et al. fails to disclose
the protocol engine module being for cooperating with the
protocol converter module to provide the UID list to the
respective software client of each of the plurality of mobile
wireless communications devices.   Instead, Hoglund et al.
discloses the lookup manager 620 downloading messages from the
server 512 based upon a message ID to the proxy server 505.   (See
Hoglund et al., paragraphs 0090-0091). Once new <u>messages</u> have
been downloaded, "the gateway server is notified to take action
to transmit the <u>message</u> to the designated wireless device."
(Emphasis Added; See Hoglund et al., paragraph 0093).   In other
words, Hoglund et al. discloses the messages being provided the
wireless devices.   In stark contrast, as recited in the
independent claims, the protocol engine module is for cooperating
with the protocol converter module to <u>provide the UID list</u> to the
respective software client of each of the plurality of mobile
wireless communications devices. Accordingly, the independent
claims are patentable for at least this reason alone.

The Examiner further contended that Hoglund et al. discloses the protocol engine module also initiating polling without mobile wireless communications device initiated configuration commands and instructions from the software clients irrespective of communications with a mobile wireless communications device. The Examiner contended that paragraph 0096 of Hoglund et al. somehow supports this contention. Paragraph 0096 is reproduced below:

> **[0096]** As previously discussed, the scheduler 610 also, via the registration system 518, determines when each particular wireless device 402, 404, 406 registered with the system 500 is set to retrieve messages from an e-mail server 512. That is, the user may specify, via the registration system 518, that his messages be downloaded to his wireless device 402, 404, 406 on either a manual basis (e.g., a user specifically perform one or more commands to retrieve messages), and/or automatically on a predetermined or real time basis (e.g., every 30 minutes). In the case of retrieving messages on a predetermined basis, the user optionally sets the time(s) at which he wishes his messages to be retrieved via the registration system 518. The user may change these settings at any time so that messages, for example, are retrieved at different times and/or time intervals, or retrieved manually.

Applicant submits that the Examiner mischaracterized Hoglund et al., as it fails to disclose the protocol engine module also initiating polling without mobile wireless

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communications device initiated configuration commands and instructions from the software clients irrespective of communications with a mobile wireless communications device. Instead, Hoglund et al., as described in paragraph 0096 above, discloses the registration system determining when the particular wireless device is registered with the system. In other words, the particular wireless device must be registered with the system to retrieve email messages (i.e. polling). Moreover, paragraph 0095 of Hoglund et al. discloses the scheduler 610 determining which of the wireless devices are active, and for the wireless devices to be active, "they must be 'connected' to the system 500 in the sense that they are able to send and/or receive messages thereto and/or therefrom. Accordingly, Hoglund et al. discloses the wireless devices having to be in communication with the system for message retrieval, and independent Claims 1, 12, 18, 24, and 29 are patentable also for this reason.

Additionally, Hoglund et al., paragraph 0096, discloses that the user specify, via the registration system, that his messages are to be downloaded automatically on a predetermined basis. The user optionally sets the time at which he wishes his messages to be retrieved via the registration system 518. Indeed, it is the user that is initiating the polling. In contrast, amended independent Claims 1, 12, 18, 24, and 29 recite that the protocol engine module initiates polling for a given one of the plurality of mobile wireless communications devices without initiated configuration commands and instructions from

the software client thereof, and irrespective of communications with the given mobile wireless communications device.

It is submitted that amended independent Claims 1, 12, 18, 24, and 29 are therefore patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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CONCLUSION

In view of the arguments and amendments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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